

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**JAIME H. PIZARRO, CRAIG
SMITH, JERRY MURPHY,
RANDALL IDEISHI, GLENDA
STONE, RACHELLE NORTH,
MARIE SILVER, and GARTH
TAYLOR, on behalf of themselves
and all others similarly situated,**

Plaintiffs,

vs.

**THE HOME DEPOT, INC.; THE
ADMINISTRATIVE
COMMITTEE OF THE HOME
DEPOT FUTUREBUILDER
401(K) PLAN; THE
INVESTMENT COMMITTEE OF
THE HOME DEPOT
FUTUREBUILDER 401(K) PLAN;
AND DOES 1-30**

Defendants.

**CIVIL ACTION FILE
No. 1:18-cv-01566-WMR**

**THE HOME DEPOT DEFENDANTS' MOTION FOR SUMMARY
JUDGMENT ON CLAIMS ASSERTED BY MARIE SILVER
IN COUNTS II AND VI**

Defendants move under Rule 56 of the Federal Rules of Civil Procedure for summary judgment on claims asserted by Marie Silver in Counts II and VI of Plaintiffs' First Amended Complaint. The bases for this motion and the supporting authorities are set forth in the contemporaneously filed Memorandum of Law, Statement of Undisputed Material Facts, and accompanying Exhibits.

WHEREFORE, Defendants move for an Order granting summary judgment in their favor and dismissing Counts II and VI.

Respectfully submitted, this 10th day of April 2020.

/s/ Danielle Chattin

David Tetrick, Jr.

Georgia Bar No. 713653

dtetrick@kslaw.com

Darren A. Shuler

Georgia Bar No. 644276

dshuler@kslaw.com

Danielle Chattin

Georgia Bar No. 486940

dchattin@kslaw.com

Benjamin B. Watson

Georgia Bar No. 632663

bwatson@kslaw.com

KING & SPALDING LLP

1180 Peachtree Street

Atlanta, Georgia 30309

Telephone: (404) 572-4600

Fax: (404) 572-5139

Attorneys for Defendants

CERTIFICATE OF COMPLIANCE

Pursuant to LR 7.1D, the undersigned certifies that the foregoing complies with the font and point selections permitted by LR 5.1B. This Motion was prepared on a computer using the Times New Roman font (14 point).

Respectfully submitted this 10th day of April, 2020.

/s/ Danielle Chattin

Georgia Bar No. 486940

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of April 2020, I electronically filed **THE HOME DEPOT DEFENDANTS' MOTION FOR SUMMARY JUDGMENT ON CLAIMS ASSERTED BY MARIE SILVER IN COUNTS II AND VI** with the Clerk of the Court using CM/ECF which will automatically send a copy to all attorneys of record.

/s/ Danielle Chattin

Georgia Bar No. 486940